

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RONNY SUGGS,

Plaintiff,

No. 06-CV-13931-DT

vs.

Hon. Gerald E. Rosen

MICHIGAN DEPARTMENT OF
CORRECTIONS OFFICER CABALLERO,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND GRANTING DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT, IN PART

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on February 11, 2009

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

This prisoner civil rights matter having come before the Court on the January 13, 2009 Report and Recommendation of United States Judge Virginia M. Morgan recommending that the Court grant, in part, and deny, in part, Defendant's Motion for Summary Judgment; and Defendant having timely filed objections to the R & R; and the Court, having reviewed and considered the Magistrate Judge's Report and Recommendation, Defendant's objections, and the Court's entire file of this matter, and being otherwise fully advised in the premises,

NOW, THEREFORE,

IT IS HEREBY ORDERED that the Magistrate Judge's January 13, 2009 Report and Recommendation [**Dkt. # 58**], is adopted by the Court.

IT IS FURTHER ORDERED that, for the reasons stated by the Magistrate Judge, Defendant's Motion for Summary Judgment [**Dkt. # 48**] is GRANTED, IN PART, AND DENIED, IN PART. Summary Judgment is granted to Defendant with respect to any claims asserted by Plaintiff in this action for mental or emotional distress damages. Plaintiff is barred from recovering mental or emotional distress damages, to the extent he seeks such damages. In all other respects, Defendant's Motion for Summary Judgment is denied.

SO ORDERED.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: February 11, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 11, 2009, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager